

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LORENA SUAREZ GUZMAN, on behalf
of herself and all others similarly situated,
Plaintiff,

v.

PERI & SONS FARMS OF
CALIFORNIA, LLC, a Nevada limited
liability company; ROY ESTRADA, an
individual; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 20-CV-1955 JLS (JLB)

**ORDER (1) GRANTING JOINT
STIPULATION RE FILING OF
FIRST AMENDED COMPLAINT
AND (2) DISMISSING AS MOOT
DEFENDANTS' MOTIONS**

(ECF Nos. 5, 6, 7, 8)

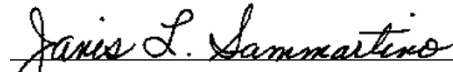
Presently before the Court is the Parties' Joint Stipulation Re Filing of First Amended Complaint ("Jt. Stip.," ECF No. 8). On October 9, 2020, Defendants Peri & Sons Farms of California, LLC, and Roy Estrada ("Defendants") filed two motions to dismiss and a motion to transfer venue (the "Motions"). *See* ECF Nos. 5, 6, 7. The Parties indicate that they are "in the process of potentially resolving and/or narrowing the issues to be adjudicated through Defendants' Motions, including by amendment of the pleading by Plaintiff." Jt. Stip. at 2. Good cause appearing, the Parties' Joint Stipulation is **GRANTED** as follows:

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1. Plaintiff **MAY FILE** a First Amended Complaint (“FAC”) on or before October 29, 2020;
2. If Plaintiff files a FAC, Defendants’ deadline to serve and file any answer, motions, or other pleadings responsive thereto **SHALL BE GOVERNED** by the Federal Rules of Civil Procedure, including Rule 15(a)(1)(A);
3. Defendants’ Motions (ECF Nos. 5, 6, 7) are **DISMISSED AS MOOT**, but Defendants may refile their Motions without prejudice on or before November 19, 2020, the date that a response to Plaintiff’s FAC is due;
4. By entering into this Stipulation, the Parties do not waive and expressly reserve all claims, defenses and challenges in this action, including, without limitation, Plaintiff’s ability to challenge the federal court’s subject matter jurisdiction or with respect to the FAC and/or claims asserted therein; and
5. The Parties will bear their own attorneys’ fees and costs incurred in connection with this stipulation.

IT IS SO ORDERED.

Dated: October 28, 2020


Hon. Janis L. Sammartino
United States District Judge